

EXHIBIT 5

<p style="text-align: right;">1938</p> <p>1 Monadnock v. Glasswall - Volume VII</p> <p>2 ongoing anyway.</p> <p>3 Q Understood.</p> <p>4 What work would the tarps have</p> <p>5 allowed Monadnock to perform on the lower</p> <p>6 floors when the windows hadn't yet arrived?</p> <p>7 A When the windows hadn't yet</p> <p>8 arrived. Other trades could have continued</p> <p>9 to work through the -- through that</p> <p>10 wintertime frame perhaps at other levels.</p> <p>11 I know that the work was ramped</p> <p>12 down, but there was a lot based -- upon a</p> <p>13 review of the payment applications, there</p> <p>14 was a lot of other core work to be done.</p> <p>15 So the ramping down was --</p> <p>16 CHAIRMAN ROSSI: But the</p> <p>17 question, I think, is really this, is</p> <p>18 that:</p> <p>19 We know without the windows</p> <p>20 there was a lot of interior work going</p> <p>21 on.</p> <p>22 THE WITNESS: Right.</p> <p>23 CHAIRMAN ROSSI: And that work,</p> <p>24 we can presume, wasn't weather</p> <p>25 sensitive, right?</p>	<p style="text-align: right;">1940</p> <p>1 Monadnock v. Glasswall - Volume VII</p> <p>2 but with tarps?</p> <p>3 THE WITNESS: That is weather</p> <p>4 sensitive? None.</p> <p>5 CHAIRMAN ROSSI: None.</p> <p>6 MR. WEINTRAUB: Thank you,</p> <p>7 Mr. Rossi. No further questions.</p> <p>8 MR. CINQUE: I just have one.</p> <p>9 CHAIRMAN ROSSI: Yes, go ahead.</p> <p>10 FURTHER REDIRECT EXAMINATION</p> <p>11 BY MR. CINQUE:</p> <p>12 Q If weatherproofing or tarps</p> <p>13 were put up around the building, would that</p> <p>14 have stopped, for example, rust in the</p> <p>15 elevator shaft?</p> <p>16 A It would have aided in that</p> <p>17 process; but, as I indicated earlier, I am</p> <p>18 still not quite sure why those shafts had</p> <p>19 water entering into them anyway if the</p> <p>20 temporary roofing was topped out and</p> <p>21 protected properly.</p> <p>22 But, yes, it would have also</p> <p>23 added in that regard.</p> <p>24 MR. CINQUE: Nothing further.</p> <p>25 (There was a discussion off the</p>
<p style="text-align: right;">1939</p> <p>1 Monadnock v. Glasswall - Volume VII</p> <p>2 THE WITNESS: Correct.</p> <p>3 CHAIRMAN ROSSI: Okay. So I</p> <p>4 think what the question is:</p> <p>5 You mentioned tarps or some</p> <p>6 sort of protection. Is there other</p> <p>7 work that could have been done that</p> <p>8 was weather sensitive, if what you</p> <p>9 claim is tarps were put up by the --</p> <p>10 by the contractor?</p> <p>11 That's yes or no.</p> <p>12 Could there be other work?</p> <p>13 THE WITNESS: Possibly, but I</p> <p>14 didn't indicate that they should put</p> <p>15 the tarps up. But it's not uncommon</p> <p>16 to see weather-protection tarps put</p> <p>17 up.</p> <p>18 CHAIRMAN ROSSI: All right.</p> <p>19 So, again, I think the next question</p> <p>20 is:</p> <p>21 Specifically, what other work</p> <p>22 could they -- have been done at this</p> <p>23 location, as counsel just said, on the</p> <p>24 East River, that is weather sensitive,</p> <p>25 that could be done without windows,</p>	<p style="text-align: right;">1941</p> <p>1 Monadnock v. Glasswall - Volume VII</p> <p>2 record.)</p> <p>3 FURTHER RECROSS EXAMINATION</p> <p>4 BY MR. WEINTRAUB:</p> <p>5 Q Mr. Hanifin, would the tarps</p> <p>6 have prevented condensation from forming on</p> <p>7 the metal in those shafts on a high-rise</p> <p>8 building in New York City exposed to the</p> <p>9 elements in the -- in the winter right on</p> <p>10 the East River?</p> <p>11 A No.</p> <p>12 MR. WEINTRAUB: No further</p> <p>13 questions.</p> <p>14 CHAIRMAN ROSSI: Do you have</p> <p>15 anything -- do you have anything?</p> <p>16 Nothing else.</p> <p>17 Okay. Very nice to meet you</p> <p>18 Mr. Hanifin. Take care. You are off</p> <p>19 the hot seat.</p> <p>20 (Mr. Hanifin was excused from</p> <p>21 the arbitration."</p> <p>22 CHAIRMAN ROSSI: I guess we</p> <p>23 will take a lunch break now and come</p> <p>24 back in an hour. And so we are going</p> <p>25 to go with Mr. Anderson, right.</p>

<p style="text-align: right;">1982</p> <p>1 Monadnock v. Glasswall - Volume VII 2 window in it. And this one is going 3 to have a louver. And this one is 4 going to be operable. And this one is 5 not going to be operable." 6 MS. FODOR: So then I misspoke. 7 Then it's not design build 8 because the architect is the one that 9 is specifying a lot of the detail. 10 And the only thing that Glasswall 11 would be doing is completing the 12 detail, like, you know, magnifying the 13 drawing and putting in all the detail 14 in order to come up with the 15 engineering. 16 There was -- there was 17 testimony earlier where -- that 18 Glasswall had difficulty with the 19 engineering components of the job, and 20 the schedule fell behind because of 21 that lack of engineering capability or 22 manpower to do this. 23 Can you just clarify that for 24 me a little bit because I am -- I need 25 to understand it better.</p>	<p style="text-align: right;">1984</p> <p>1 Monadnock v. Glasswall - Volume VII 2 curtain wall system that would 3 accomplish what the architect was 4 looking for on the side of the 5 building, including meet all the 6 performance and aesthetic requirements 7 that the architect would have. 8 So when I say we are 9 design-build. We are design-built 10 from the standpoint that the 11 responsibility for the curtain wall 12 system design is ours. 13 How we accomplish it in terms 14 of the depth of the mullion or a 15 framing member is something that we 16 can pass through to the architect and 17 he can review and say: 18 "I think it's a little too 19 wide. I don't like the way it looks." 20 MS. FODOR: Okay. 21 THE WITNESS: But we were given 22 certain dimensions to follow. 23 What the internal component of 24 that is up is to us. We can design 25 that internally.</p>
<p style="text-align: right;">1983</p> <p>1 Monadnock v. Glasswall - Volume VII 2 THE WITNESS: Okay. I will try 3 to clarify it. 4 MS. FODOR: Okay. 5 THE WITNESS: I am not -- I 6 don't want to over-complicate it, but 7 it's a fairly complicated scenario. 8 MS. FODOR: Right. 9 THE WITNESS: From a 10 design-build standpoint, the architect 11 drew on the architectural drawings 12 presented through those drawings what 13 he wanted to see on the building. 14 MS. FODOR: When they looked at 15 it. 16 THE WITNESS: All the different 17 colors -- 18 MS. FODOR: Right. 19 THE WITNESS: -- the glass -- 20 there were, you know, specifications 21 for the glass, the brick patterns, 22 what they had to be, and so forth. 23 When Glasswall -- when 24 Glasswall took the project, they 25 assumed responsibility to design a</p>	<p style="text-align: right;">1985</p> <p>1 Monadnock v. Glasswall - Volume VII 2 MS. FODOR: So most curtain 3 walls are design-build. And this is 4 not unique. 5 THE WITNESS: I would -- I 6 would say most custom curtain walls, 7 which, for me in my experience, is 8 completely design-build. 9 MS. FODOR: Completely 10 design-build. 11 THE WITNESS: Yes. 12 (There was a discussion off the 13 record.) 14 MS. FODOR: So then if 15 something goes wrong with the curtain 16 wall from not an aesthetic design, but 17 the design engineering -- 18 THE WITNESS: Structural. 19 MS. FODOR: -- structural 20 problem, that's the curtain wall 21 manufacturer's responsibility. 22 THE WITNESS: And in this case 23 the installers. 24 MS. FODOR: And in this case 25 the installers or the --</p>

<p style="text-align: right;">1986</p> <p>1 Monadnock v. Glasswall - Volume VII</p> <p>2 THE WITNESS: It could be the</p> <p>3 installer because the installer --</p> <p>4 MS. FODOR: Not Ecker.</p> <p>5 THE WITNESS: That would be</p> <p>6 Ecker on this particular project. And</p> <p>7 I am only using this project as the</p> <p>8 example for what we are talking about.</p> <p>9 MS. FODOR: Okay. But the</p> <p>10 installer gets the completed</p> <p>11 engineered products, and then Ecker</p> <p>12 puts it in.</p> <p>13 THE WITNESS: They install</p> <p>14 those components.</p> <p>15 MS. FODOR: They install it.</p> <p>16 THE WITNESS: Um-hum.</p> <p>17 MS. FODOR: But the components</p> <p>18 are cut to fit.</p> <p>19 THE WITNESS: That's correct.</p> <p>20 They have the responsibility to</p> <p>21 install it correctly, which is a part</p> <p>22 of the entire --</p> <p>23 MS. FODOR: Yeah, okay, I got</p> <p>24 you.</p> <p>25 So they are the responsible for</p>	<p style="text-align: right;">1988</p> <p>1 Monadnock v. Glasswall - Volume VII</p> <p>2 this building.</p> <p>3 You talked about different</p> <p>4 types of windows, and some casements</p> <p>5 where louvers were. And I am not</p> <p>6 going to hold you to the exact number.</p> <p>7 But are we taking, there were</p> <p>8 20 different types? I heard there was</p> <p>9 9,000 units in total.</p> <p>10 How many different types, you</p> <p>11 know, were there?</p> <p>12 THE WITNESS: I'm sorry, but I</p> <p>13 don't know the exact number of</p> <p>14 different types. But I will -- I will</p> <p>15 venture again what I will just say is</p> <p>16 an educated guess from having been</p> <p>17 around it and actually manufactured</p> <p>18 it. It had to exceed 300 or 400</p> <p>19 different types.</p> <p>20 MR. RENDA: Now, I understand,</p> <p>21 also, when they -- when they start the</p> <p>22 installation, you are saying you start</p> <p>23 from one corner and you go around the</p> <p>24 building.</p> <p>25 300 or 400 types of different</p>
<p style="text-align: right;">1987</p> <p>1 Monadnock v. Glasswall - Volume VII</p> <p>2 the installation. But if the curtain</p> <p>3 wall fails because of some engineering</p> <p>4 that's done on Glasswall's</p> <p>5 manufacturing facility, that's</p> <p>6 Glasswall's responsibility, not the</p> <p>7 architect's and not Ecker's?</p> <p>8 I just want to --</p> <p>9 THE WITNESS: Yes.</p> <p>10 MS. FODOR: -- be able to</p> <p>11 separate it like that.</p> <p>12 THE WITNESS: If it's something</p> <p>13 that Glasswall did wrong, yes.</p> <p>14 MS. FODOR: Okay.</p> <p>15 THE WITNESS: Yes.</p> <p>16 MS. FODOR: Okay.</p> <p>17 CONTINUED EXAMINATION</p> <p>18 BY MR. CINQUE:</p> <p>19 Q And, John, are you aware of any</p> <p>20 problems like that that came up?</p> <p>21 A No, I am not aware of any.</p> <p>22 MS. FODOR: No, I just wanted</p> <p>23 to understand how it works.</p> <p>24 MR. RENDA: I want to</p> <p>25 understand something with regard to</p>	<p style="text-align: right;">1989</p> <p>1 Monadnock v. Glasswall - Volume VII</p> <p>2 units, how does that work in a</p> <p>3 production line? In other words, you</p> <p>4 start this corner. You need unit 100;</p> <p>5 and then next to it is unit 35, and</p> <p>6 then you go around.</p> <p>7 In the production line, each</p> <p>8 one of them is like one unit</p> <p>9 fabrication. Then you have to -- the</p> <p>10 line has to move on to the next unit.</p> <p>11 How does that -- how does that</p> <p>12 work in the production? I am trying</p> <p>13 to understand that.</p> <p>14 THE WITNESS: It's a very good</p> <p>15 point, and I am glad that I have an</p> <p>16 opportunity to relate to you exactly</p> <p>17 how that worked on this particular</p> <p>18 project.</p> <p>19 For this project, the releases</p> <p>20 from engineering were done in blocks</p> <p>21 of floors, not a single floor at a</p> <p>22 time.</p> <p>23 Because of the number of types</p> <p>24 that were involved, you couldn't</p> <p>25 produce this job on a one-floor basis</p>

<p style="text-align: right;">2006</p> <p>1 Monadnock v. Glasswall - Volume VII 2 well, it's -- either the glass was 3 missing -- more than likely, the glass 4 was missing rather than it was broken. 5 But it -- on the occasion where 6 a lite of glass was broken, we would 7 remove it and put a plywood in-fill in 8 for safety purposes so that they could 9 install the unit and continue what 10 they needed to do on the site. 11 I communicated with 12 Mr. Colapinto on this numerous times 13 and maybe some other people that 14 worked for him at the job site, about 15 whether or not they needed that 16 particular unit within this delivery 17 or if they could wait because it's a 18 possibility that the replacement lite 19 might arrive and we could do it in the 20 shop and not have to ship it with the 21 in-fill piece. 22 So the decision to ship was a 23 carefully considered one. But it was 24 to allow for the installation to go in 25 sequence.</p>	<p style="text-align: right;">2008</p> <p>1 Monadnock v. Glasswall - Volume VII 2 record.) 3 CONTINUED EXAMINATION 4 BY MR. CINQUE: 5 Q And you always agreed to do 6 that, right, to replace the glass? 7 A Yes. 8 Q Were you given the opportunity 9 to do it? 10 A We did provide the replacement 11 glass. 12 Q Now, when you -- when is the 13 first time you had a meeting relating to 14 the Hunters Point project? 15 CHAIRMAN ROSSI: You mean 16 in-house, in-house meeting or meeting 17 with the -- 18 MR. CINQUE: No, meeting with 19 the Monadnock or Related people. 20 A September 18, 2013. 21 Q Where was that meeting? 22 A In New York at the Related 23 offices in AOL Time Warner. 24 Q And who was present to the best 25 of your recollection?</p>
<p style="text-align: right;">2007</p> <p>1 Monadnock v. Glasswall - Volume VII 2 CHAIRMAN ROSSI: And then you 3 could put the glass in later on. I 4 mean, it's not ideal, but it can be 5 done. 6 THE WITNESS: That's correct. 7 Yes. 8 CHAIRMAN ROSSI: Okay. 9 CONTINUED EXAMINATION 10 BY MR. CINQUE: 11 Q So only 39 of the 9,300 windows 12 had that missing glass? 13 A 39. 14 CHAIRMAN ROSSI: And you would 15 agree that -- I would assume -- that 16 the cost to replace that glass or 17 install it would be Glasswall's 18 problem, right? 19 THE WITNESS: Yes. 20 CHAIRMAN ROSSI: Yeah. 21 THE WITNESS: We never -- we 22 never had any discussion that the 23 replacement of that glass was 24 Glasswall's responsibility. 25 (There was a discussion off the</p>	<p style="text-align: right;">2009</p> <p>1 Monadnock v. Glasswall - Volume VII 2 A There was more than 20 people 3 in the meeting, so I won't recall everyone 4 that was there. 5 But the primary people were Ugo 6 Colombo from Glasswall -- 7 (There was a discussion off the 8 record.) 9 A Ugo Colombo, Art Murphy, Bruce 10 Beal with Related. I believe Michael 11 Trovini was in that meeting. Michael 12 Lochran, with a "c," Lochran. 13 Q He's Related person? 14 A He's a Related person. 15 Mike -- I believe Mike Budd of 16 Related. He's sort of their curtain wall 17 guy. 18 Greg Bauso. I would say 19 Mr. Colapinto; but to be honest with you, I 20 am not positive. It was my first 21 interaction with the group on this project. 22 But there were many other 23 people. Probably, Frank Monterisi was in 24 that meeting from Related. 25 Q What was discussed?</p>

2010	2012
<p>1 Monadnock v. Glasswall - Volume VII</p> <p>2 A In that meeting, I was more of</p> <p>3 a listener. And what was discussed, it was</p> <p>4 primarily Related and Monadnock indicating</p> <p>5 that -- and they had no idea what Glasswall</p> <p>6 was doing, in their words, and very little</p> <p>7 faith that Glasswall could get the project</p> <p>8 done.</p> <p>9 And there were many things that</p> <p>10 went back and forth about not meeting the</p> <p>11 schedules and the commitments that had been</p> <p>12 made. And, again, I was a listener because</p> <p>13 this was really, virtually my first day at</p> <p>14 Glasswall.</p> <p>15 So I was sort of hearing some</p> <p>16 things that, you know, were surprising, but</p> <p>17 not so surprising because I knew it was a</p> <p>18 dire situation at Hunters Point.</p> <p>19 The thrust of the meeting in</p> <p>20 the end was that Mr. Beal, I believe,</p> <p>21 stated that they were going to think about</p> <p>22 they -- whether they wanted to continue</p> <p>23 with Glasswall.</p> <p>24 And that was the end. I mean,</p> <p>25 that's what I took away from the meeting,</p>	<p>1 Monadnock v. Glasswall - Volume VII</p> <p>2 little bit to do with why Mr. Beal</p> <p>3 said, "We are going to think about it this</p> <p>4 week."</p> <p>5 Then we returned one week</p> <p>6 later, which is the meeting that we're</p> <p>7 talking about -- basically, the same group.</p> <p>8 We came in with a production</p> <p>9 plan roughed out in terms of what we</p> <p>10 thought we could produce and projected the</p> <p>11 number of units and the number of lines</p> <p>12 that we could produce. And that was the</p> <p>13 point of discussion throughout the meeting.</p> <p>14 And, again, there was still,</p> <p>15 you know, some reservation on Monadnock and</p> <p>16 Related's part about whether or not we</p> <p>17 should continue. But it was sort of a:</p> <p>18 "Wait and see. Well, let's see</p> <p>19 what you are going to do over the next, you</p> <p>20 know, two weeks. And then we will, you</p> <p>21 know, regroup again or come down and meet."</p> <p>22 So when I left that meeting, I</p> <p>23 had a -- I'm not going to say a good</p> <p>24 feeling because I never left Related's</p> <p>25 office with a good feeling to be honest</p>
2011	2013
<p>1 Monadnock v. Glasswall - Volume VII</p> <p>2 was that they were going to think about</p> <p>3 whether they wanted to continue with</p> <p>4 Glasswall.</p> <p>5 Q Did you hear back from them?</p> <p>6 A We did nominally a few days</p> <p>7 later. Another meeting was scheduled in</p> <p>8 New York for -- and I believe it was the</p> <p>9 26th of September, approximately a week</p> <p>10 later.</p> <p>11 Q Was it the same participants</p> <p>12 basically?</p> <p>13 A Pretty much. There might have</p> <p>14 been a couple more participants. But to a</p> <p>15 great extent, it was the same group.</p> <p>16 Q And what was discussed at that</p> <p>17 meeting?</p> <p>18 A In the first meeting -- and I</p> <p>19 will drop back and just say Mr. Murphy</p> <p>20 stated to the group that Mr. Anderson had</p> <p>21 been brought in to lead Glasswall and to</p> <p>22 work to rectify the issues on Hunters</p> <p>23 Point.</p> <p>24 So some of the people in the</p> <p>25 room knew who I was, and I think that had a</p>	<p>1 Monadnock v. Glasswall - Volume VII</p> <p>2 with you.</p> <p>3 But I left with a feeling that</p> <p>4 there was a good chance that Glasswall was</p> <p>5 going to be the producer of the curtain</p> <p>6 wall for this job.</p> <p>7 Q Now, directing your attention</p> <p>8 to Exhibit C in my book.</p> <p>9 (Previously Marked Exhibit No.</p> <p>10 C, Document is introduced into the</p> <p>11 proceedings.)</p> <p>12 CHAIRMAN ROSSI: At this point,</p> <p>13 did you have any windows ready to ship</p> <p>14 at this point?</p> <p>15 THE WITNESS: We did not.</p> <p>16 CHAIRMAN ROSSI: Okay. And had</p> <p>17 -- had -- had Glasswall done any work</p> <p>18 producing anything?</p> <p>19 THE WITNESS: Yes. When I</p> <p>20 arrived at Glasswall, there was</p> <p>21 material in fabrication -- and</p> <p>22 "fabrication" means the piece parts</p> <p>23 were being fabricated that make up the</p> <p>24 framing of these elements for the</p> <p>25 casement windows.</p>

<p style="text-align: right;">2030</p> <p>1 Monadnock v. Glasswall - Volume VII</p> <p>2 THE WITNESS: Yes, the number</p> <p>3 was 3 million.</p> <p>4 CONTINUED EXAMINATION</p> <p>5 BY MR. CINQUE:</p> <p>6 Q Was Mr. Beal screaming that he</p> <p>7 wanted this money?</p> <p>8 A Yes. He was screaming at our</p> <p>9 attorney. He was screaming at Mr. Colombo.</p> <p>10 And Mr. Trovini, who was</p> <p>11 sitting adjacent to me, was screaming</p> <p>12 alongside of him as he so eloquently</p> <p>13 described in his testimony the other day.</p> <p>14 But he was much more emphatic</p> <p>15 than in his testimony. But he did describe</p> <p>16 that portion of it adequately. He did --</p> <p>17 he did demand to know when the units would</p> <p>18 be delivered to the site, on November 6,</p> <p>19 2013.</p> <p>20 CHAIRMAN ROSSI: Well at this</p> <p>21 point were you ready to deliver units</p> <p>22 to the site?</p> <p>23 THE WITNESS: We had units</p> <p>24 packaged. But I will, you know,</p> <p>25 clarify this because I don't want</p>	<p style="text-align: right;">2032</p> <p>1 Monadnock v. Glasswall - Volume VII</p> <p>2 sure it's going to be put in front of</p> <p>3 me at some point in this testimony --</p> <p>4 the number of units that were ready on</p> <p>5 11/6, because it has all been</p> <p>6 documented. It was documented at that</p> <p>7 time.</p> <p>8 But for the sake of argument,</p> <p>9 let's say there was 600 units. That</p> <p>10 is 40 on a truck. To offload those</p> <p>11 trucks would take two to three weeks</p> <p>12 at the job site.</p> <p>13 So why wouldn't you begin to</p> <p>14 take the materials, put them on the</p> <p>15 floor, distribute them logistically to</p> <p>16 where they need to go, and know that</p> <p>17 you have got units coming?</p> <p>18 It might be a morale-builder on</p> <p>19 a project where people were thinking</p> <p>20 there was never going to be a curtain</p> <p>21 wall unit.</p> <p>22 CHAIRMAN ROSSI: Okay.</p> <p>23 CONTINUED EXAMINATION</p> <p>24 BY MR. CINQUE:</p> <p>25 Q We can go to two pages in.</p>
<p style="text-align: right;">2031</p> <p>1 Monadnock v. Glasswall - Volume VII</p> <p>2 there to be any confusion.</p> <p>3 We did not have the units ready</p> <p>4 to complete an entire floor in</p> <p>5 sequence. We had portions of floors</p> <p>6 in packages ready to deliver.</p> <p>7 CONTINUED EXAMINATION</p> <p>8 BY MR. CINQUE:</p> <p>9 Q Did you tell them that at that</p> <p>10 meeting?</p> <p>11 A I don't believe that that</p> <p>12 really came up in the meeting because the</p> <p>13 thrust of the meeting was not really about</p> <p>14 what we had produced. It was more about</p> <p>15 Mr. Beal's demand for the \$3 million.</p> <p>16 Q Did there come a time when you</p> <p>17 had enough materials to start delivering so</p> <p>18 they could install them in the project?</p> <p>19 CHAIRMAN ROSSI: Before you get</p> <p>20 there, on 11/6, you said you had</p> <p>21 parts -- parts of floors. Does that</p> <p>22 do them any good if you have to do</p> <p>23 them in sequence?</p> <p>24 THE WITNESS: It does. And</p> <p>25 I -- I don't recall offhand. I am</p>	<p style="text-align: right;">2033</p> <p>1 Monadnock v. Glasswall - Volume VII</p> <p>2 It's a November 14th E-Mail from you to</p> <p>3 Greg.</p> <p>4 Do you see it at the bottom?</p> <p>5 No, it's not -- November 14th -- it's at</p> <p>6 the bottom of the page.</p> <p>7 (There was a discussion off the</p> <p>8 record.)</p> <p>9 Q On November 14th, you write to</p> <p>10 Greg Bauso of Monadnock:</p> <p>11 "This E-Mail will" confirm --</p> <p>12 "will serve as confirmation of your verbal</p> <p>13 instruction to cancel the scheduled</p> <p>14 shipment of CW units on November 15th from</p> <p>15 Glasswall to the job site at parcel A."</p> <p>16 Tell me, what happened on or</p> <p>17 about November 14th?</p> <p>18 A Well, the E-Mail speaks for</p> <p>19 itself. Obviously, we were instructed not</p> <p>20 to ship shipments after they had been asked</p> <p>21 for.</p> <p>22 Q Did Mr. Bauso ever tell you</p> <p>23 why?</p> <p>24 A If you read further in the</p> <p>25 E-Mail -- and I will read it:</p>

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<p>1 Monadnock v. Glasswall - Volume VIII</p> <p>2 A I don't have to look at it. I</p> <p>3 do recall saying that.</p> <p>4 Q So who controlled the money</p> <p>5 with regard to Glasswall after you came in</p> <p>6 as an equity partner?</p> <p>7 A Ugo Colombo controlled the</p> <p>8 money and the company.</p> <p>9 Q Now, you testified on page 1960</p> <p>10 that, when you joined in September,</p> <p>11 Glasswall was working on five projects.</p> <p>12 Do you recall that, page 1960?</p> <p>13 CHAIRMAN ROSSI: So I think</p> <p>14 we're if you ask him a question, "Do</p> <p>15 you recall testifying." And if he</p> <p>16 doesn't recall, then you can refer him</p> <p>17 to the testimony.</p> <p>18 MR. KLEINHENDLER: All right.</p> <p>19 Okay.</p> <p>20 A And the answer is, yes, I do</p> <p>21 recall it.</p> <p>22 Q All right. And one was the</p> <p>23 Monte Carlo in Miami Beach?</p> <p>24 A Yes.</p> <p>25 Q Now, one, I think the court</p>	<p>1 Monadnock v. Glasswall - Volume VIII</p> <p>2 A I do.</p> <p>3 Q Okay. And how many floors is</p> <p>4 that building?</p> <p>5 A To be honest with you, I can't</p> <p>6 tell you; but it's around, I'd say, 18</p> <p>7 maybe 20.</p> <p>8 Q And that project involved</p> <p>9 either curtain wall or glass wall?</p> <p>10 A Involved window wall and</p> <p>11 sliding glass doors.</p> <p>12 Q And what stage in the</p> <p>13 Monte Carlo project was Glasswall on in</p> <p>14 September 2013 when you joined?</p> <p>15 A Fabrication was about 80 to</p> <p>16 90 percent complete, and the job was being</p> <p>17 installed.</p> <p>18 Q Okay. Now, let's just stick</p> <p>19 with that job.</p> <p>20 For the fabrication to be 80 to</p> <p>21 90 percent complete, how long would</p> <p>22 Glasswall have had to have been working on</p> <p>23 this job prior to your arrival in</p> <p>24 September?</p> <p>25 A I mean, I could give you my</p>
Page 2216	Page 2218
<p>1 Monadnock v. Glasswall - Volume VIII</p> <p>2 reporter marked it down as the "Edison"; is</p> <p>3 that really the Edition in Miami Beach?</p> <p>4 A Yes, it's the Edition.</p> <p>5 Q One was the Perry Rooney in</p> <p>6 Miami Beach?</p> <p>7 A Yes.</p> <p>8 Q And one was the Oceana in</p> <p>9 Key Biscayne; do you recall saying that?</p> <p>10 A Yes.</p> <p>11 Q Now, since you were here, we</p> <p>12 went online, and we pulled some photos</p> <p>13 which we have provided to the other side.</p> <p>14 These are just internet photos. I just</p> <p>15 want to walk you through some of them, so</p> <p>16 let's put up Exhibit 285, Jocelyn, which</p> <p>17 is --</p> <p>18 (Previously Marked Exhibit No.</p> <p>19 CX 285, Photograph of Monte Carlo</p> <p>20 Hotel in Miami Beach, Document is</p> <p>21 introduced into the proceedings.)</p> <p>22 Q That's the best picture we</p> <p>23 have? Is there another page of that.</p> <p>24 Do you recognize that as the</p> <p>25 Monte Carlo?</p>	<p>1 Monadnock v. Glasswall - Volume VIII</p> <p>2 best guess at how long they were working on</p> <p>3 it, if you would like to have that.</p> <p>4 Q I don't want your guess. You</p> <p>5 are -- you're in now as an equity owner. I</p> <p>6 am just assuming that, before you took the</p> <p>7 position, you want to know what's going on</p> <p>8 with the job and how long have they been</p> <p>9 working on this job.</p> <p>10 So my question is:</p> <p>11 How long had they been working</p> <p>12 on Monte Carlo by the time you got in</p> <p>13 there?</p> <p>14 A A year.</p> <p>15 Q A year. So all of -- like from</p> <p>16 the end of 2012 to September 2013, they</p> <p>17 were working on Monte Carlo?</p> <p>18 A I wasn't there prior to</p> <p>19 September of 2013.</p> <p>20 Q Right. But you just said you</p> <p>21 thought they were working on it for a year.</p> <p>22 A That's correct. I thought they</p> <p>23 were working on it for a year.</p> <p>24 Q So I just -- I am just trying</p> <p>25 to get the number.</p>

43 (Pages 2215 to 2218)

<p style="text-align: right;">Page 2219</p> <p>1 Monadnock v. Glasswall - Volume VIII</p> <p>2 A But you have to understand</p> <p>3 something. I was not there before</p> <p>4 September of 2013. So it would be logical</p> <p>5 to say that they were working on the</p> <p>6 project for approximately a year before if</p> <p>7 they were 85 or 95 percent done in</p> <p>8 September.</p> <p>9 CHAIRMAN ROSSI: But you don't</p> <p>10 know for sure?</p> <p>11 THE WITNESS: That's correct.</p> <p>12 CHAIRMAN ROSSI: Okay.</p> <p>13 CONTINUED EXAMINATION</p> <p>14 BY MR. KLEINHENDLER:</p> <p>15 Q Okay. And how many people were</p> <p>16 working on Monte Carlo during that year; do</p> <p>17 you know?</p> <p>18 CHAIRMAN ROSSI: You mean</p> <p>19 before he got there, you want to know?</p> <p>20 Q How many people?</p> <p>21 A I do not know that.</p> <p>22 CHAIRMAN ROSSI: Hold on.</p> <p>23 Q How many --</p> <p>24 CHAIRMAN ROSSI: The rules are</p> <p>25 as follows, Mr. Anderson.</p>	<p style="text-align: right;">Page 2221</p> <p>1 Monadnock v. Glasswall - Volume VIII</p> <p>2 Q So you're president of a</p> <p>3 company that you just bought into, and you</p> <p>4 can't tell our panel how many people are</p> <p>5 working on one of the projects?</p> <p>6 A No, I cannot.</p> <p>7 Q Okay. Did Glasswall make money</p> <p>8 on the Monte Carlo deal?</p> <p>9 A I believe the Monte Carlo, we</p> <p>10 did make some money.</p> <p>11 Q Now, do you know whether Ugo</p> <p>12 Colombo has any type of financial interest,</p> <p>13 not in providing windows for the Monte</p> <p>14 Carlo, but in the actual Monte Carlo</p> <p>15 project?</p> <p>16 A To my knowledge, he did not.</p> <p>17 Q But you did not -- but you</p> <p>18 can't say for sure one way or the other;</p> <p>19 can you?</p> <p>20 A To my knowledge, he did not.</p> <p>21 Q I don't know what that means.</p> <p>22 Does that mean --</p> <p>23 CHAIRMAN ROSSI: Well, he --</p> <p>24 what that -- what the means is, to the</p> <p>25 best of his knowledge, he did not</p>
<p style="text-align: right;">Page 2220</p> <p>1 Monadnock v. Glasswall - Volume VIII</p> <p>2 THE WITNESS: Yes.</p> <p>3 CHAIRMAN ROSSI: He's going to</p> <p>4 ask you a question. Take a breath.</p> <p>5 Give an answer. If I interrupt or if</p> <p>6 there is an objection, you wait until</p> <p>7 that is concluded before you answer.</p> <p>8 Okay.</p> <p>9 THE WITNESS: Yes, sir.</p> <p>10 MS. FODOR: Take another</p> <p>11 breath.</p> <p>12 CHAIRMAN ROSSI: So -- so are</p> <p>13 you asking him --</p> <p>14 MR. KLEINHENDLER: I'm going to</p> <p>15 ask him a new question, a new</p> <p>16 question.</p> <p>17 CHAIRMAN ROSSI: Okay.</p> <p>18 CONTINUED EXAMINATION</p> <p>19 BY MR. KLEINHENDLER:</p> <p>20 Q When you arrived in 2013, how</p> <p>21 many folks at Glasswall were working on the</p> <p>22 Monte Carlo?</p> <p>23 A I do not know the exact number.</p> <p>24 Q What's your estimate?</p> <p>25 A I don't know the exact number.</p>	<p style="text-align: right;">Page 2222</p> <p>1 Monadnock v. Glasswall - Volume VIII</p> <p>2 know. He did not. So --</p> <p>3 THE WITNESS: I will say this.</p> <p>4 I'm sorry.</p> <p>5 CHAIRMAN ROSSI: That's it.</p> <p>6 CONTINUED EXAMINATION</p> <p>7 BY MR. KLEINHENDLER:</p> <p>8 Q Okay. Let's go to the next</p> <p>9 project that you referred to, which we now</p> <p>10 clarified is the Edition, not the Edison.</p> <p>11 It's Exhibit 284. Let's put that up,</p> <p>12 Jocelyn.</p> <p>13 (Previously Marked Exhibit No.</p> <p>14 CX 284, Photograph of the Edition</p> <p>15 Hotel in Miami Beach, Document is</p> <p>16 introduced into the proceedings.)</p> <p>17 CHAIRMAN ROSSI: "Addition" to</p> <p>18 what?</p> <p>19 MR. KLEINHENDLER: No, that's</p> <p>20 the name of the -- no, in the</p> <p>21 transcript our ace here -- sometimes</p> <p>22 he makes a mistake -- it was called</p> <p>23 the "Edison," E-d-i-s-o-n. We have</p> <p>24 clarified that really the project is</p> <p>25 the Edition, E-d with an E.</p>

<p style="text-align: right;">Page 2223</p> <p>1 Monadnock v. Glasswall - Volume VIII</p> <p>2 CHAIRMAN ROSSI: All right.</p> <p>3 MR. KLEINHENDLER: I may be</p> <p>4 saying that wrong.</p> <p>5 CHAIRMAN ROSSI: Oh, the</p> <p>6 Edition.</p> <p>7 MR. KLEINHENDLER: Yes,</p> <p>8 E-d-i-t-i-o-n.</p> <p>9 CHAIRMAN ROSSI: Okay.</p> <p>10 CONTINUED EXAMINATION</p> <p>11 BY MR. KLEINHENDLER:</p> <p>12 Q So this was another project</p> <p>13 that Glasswall was working on when you came</p> <p>14 in in 2013, correct; is that the Edition?</p> <p>15 A That's correct.</p> <p>16 Q And what work was Glasswall</p> <p>17 doing for the Edition? Did it -- did it</p> <p>18 involve curtain wall?</p> <p>19 A There was curtain wall in the</p> <p>20 round piece that you see right there.</p> <p>21 Q Okay.</p> <p>22 A The rest of the job was window</p> <p>23 wall and sliding glass doors.</p> <p>24 Q And what was that, a condo</p> <p>25 project?</p>	<p style="text-align: right;">Page 2225</p> <p>1 Monadnock v. Glasswall - Volume VIII</p> <p>2 project?</p> <p>3 A Not that I'm aware of.</p> <p>4 Q Let's look at the next one, the</p> <p>5 Perry Rooney. Let's look at the Perry</p> <p>6 Rooney, which is Exhibit 287.</p> <p>7 (Previously Marked Exhibit No.</p> <p>8 CX 287, Photograph of Perry Rooney</p> <p>9 Hotel on Miami Beach, Document is</p> <p>10 introduced into the proceedings.)</p> <p>11 Q Is that a fair depiction of the</p> <p>12 Perry Rooney?</p> <p>13 A Yes.</p> <p>14 Q And describe what that is?</p> <p>15 A It's a hotel slash condo.</p> <p>16 Q And when you arrived in 2013,</p> <p>17 what percentage of completion was the Perry</p> <p>18 Rooney at?</p> <p>19 A Again, approximately, 75 to</p> <p>20 80 percent.</p> <p>21 Q And how long had Glasswall been</p> <p>22 working on that project?</p> <p>23 A I believe it's a similar time</p> <p>24 frame, about a year.</p> <p>25 Q Did Glasswall make money on the</p>
<p style="text-align: right;">Page 2224</p> <p>1 Monadnock v. Glasswall - Volume VIII</p> <p>2 A Yes, it's a hotel and condo</p> <p>3 residents.</p> <p>4 Q Do you know how many rooms?</p> <p>5 A I do not.</p> <p>6 Q And what percentage of the</p> <p>7 Edition -- what percentage of completion</p> <p>8 was the Edition at when you arrived in</p> <p>9 September 2013?</p> <p>10 A From a production standpoint,</p> <p>11 it was around, similar, 80, 80 percent or</p> <p>12 so.</p> <p>13 Q And how long prior to September</p> <p>14 of 2013 was Glasswall working on the</p> <p>15 Edition?</p> <p>16 A Over a year.</p> <p>17 Q Do you know how many people</p> <p>18 would have been devoted to that project</p> <p>19 during that prior year?</p> <p>20 A I do not.</p> <p>21 Q Did Glasswall make money on its</p> <p>22 job for the Edition?</p> <p>23 A It did not.</p> <p>24 Q Does Mr. Colombo have an</p> <p>25 interest in that project, in the Edition</p>	<p style="text-align: right;">Page 2226</p> <p>1 Monadnock v. Glasswall - Volume VIII</p> <p>2 Perry Rooney?</p> <p>3 A It did not.</p> <p>4 Q Did Ugo have a financial</p> <p>5 interest in the Perry Rooney project?</p> <p>6 A Not that I'm aware of.</p> <p>7 Q All right.</p> <p>8 A Let's look at the Oceana, which</p> <p>9 is Exhibit 286.</p> <p>10 (Previously Marked Exhibit No.</p> <p>11 CX 286, Photograph of Oceana Hotel in</p> <p>12 Key Biscayne, Document is introduced</p> <p>13 into the proceedings.)</p> <p>14 Q Let's go to the second page of</p> <p>15 that exhibit. Is that a fair picture of</p> <p>16 the Oceana?</p> <p>17 A Yes, it is.</p> <p>18 Q It's beautiful; isn't it?</p> <p>19 A Yes.</p> <p>20 Q It sure is.</p> <p>21 Could you describe to the panel</p> <p>22 what -- what type of construction that is?</p> <p>23 What is that, a hotel, a condo?</p> <p>24 A It's a -- it may -- a piece of</p> <p>25 it may be a hotel. I am not aware for a</p>

<p style="text-align: right;">Page 2227</p> <p>1 Monadnock v. Glasswall - Volume VIII</p> <p>2 fact that it is; but it's a condo,</p> <p>3 residences on Key Biscayne.</p> <p>4 Q All right. And about what</p> <p>5 percentage of completion were you done with</p> <p>6 the Oceana when you arrived at Glasswall?</p> <p>7 A About 80 percent.</p> <p>8 Q Same story, you had been</p> <p>9 working on it for about a year?</p> <p>10 A For fabrication about</p> <p>11 80 percent.</p> <p>12 Q What does that mean?</p> <p>13 A I'm sorry.</p> <p>14 Q "For fabrication"?</p> <p>15 A Yes, each one of these</p> <p>16 percentages I am giving you are for</p> <p>17 production, fabrication. They do not</p> <p>18 relate to installation.</p> <p>19 Q Okay. How many rooms in the</p> <p>20 Oceana?</p> <p>21 A I don't know.</p> <p>22 Q Okay. And you were working on</p> <p>23 the Oceana -- how long was Glasswall</p> <p>24 working on the Oceana when you arrived in</p> <p>25 September of 2013?</p>	<p style="text-align: right;">Page 2229</p> <p>1 Monadnock v. Glasswall - Volume VIII</p> <p>2 CHAIRMAN ROSSI: It's in front</p> <p>3 of you as well.</p> <p>4 (There was a discussion off the</p> <p>5 record.)</p> <p>6 Q Sorry, I apologize, 769. Let's</p> <p>7 go down, 769.</p> <p>8 Okay.</p> <p>9 "I think you mentioned before</p> <p>10 that Oceana was owned -- was a project that</p> <p>11 was owned by Glasswall's owner."</p> <p>12 ANSWER: "That was my</p> <p>13 understanding. That's what I was told."</p> <p>14 QUESTION: "Was that a Ugo</p> <p>15 Colombo?"</p> <p>16 "That's my understanding. That</p> <p>17 is what I was told."</p> <p>18 So having seen Mr. Barber's</p> <p>19 testimony, are you ready to state</p> <p>20 unequivocally that Mr. Ugo Colombo had no</p> <p>21 financial interest in the Oceana project?</p> <p>22 A Yes, I believe that I would</p> <p>23 have known if Ugo Colombo had a financial</p> <p>24 interest in any of these projects.</p> <p>25 Q Why?</p>
<p style="text-align: right;">Page 2228</p> <p>1 Monadnock v. Glasswall - Volume VIII</p> <p>2 A We didn't finish the job until,</p> <p>3 from an installation standpoint, until</p> <p>4 maybe April or May of 2014.</p> <p>5 Q Did Glasswall make money on the</p> <p>6 Oceana?</p> <p>7 A They did not.</p> <p>8 Q Does Ugo have an interest in</p> <p>9 the Oceana?</p> <p>10 A Not that I'm aware of.</p> <p>11 Q Well, I could tell you that</p> <p>12 Mr. Barber testified at pages 766 to 67 --</p> <p>13 and you can put that up -- that he believed</p> <p>14 that Ugo -- that the Oceana was indeed a</p> <p>15 Ugo Colombo project.</p> <p>16 Do you have any reason to</p> <p>17 dispute that testimony?</p> <p>18 A Could you say it again. Did</p> <p>19 you just say he believed he did or didn't</p> <p>20 have an interest?</p> <p>21 Q Yes, we can -- we can put it up</p> <p>22 if you want. Let's put it up so you can</p> <p>23 see it. Go to page 766. It's Glasswall --</p> <p>24 page 766.</p> <p>25 A I can't read that.</p>	<p style="text-align: right;">Page 2230</p> <p>1 Monadnock v. Glasswall - Volume VIII</p> <p>2 A I believe he would have shared</p> <p>3 that with me.</p> <p>4 Q Why?</p> <p>5 A Because I believe Mr. Colombo</p> <p>6 would have shared that with me.</p> <p>7 Q This is a man that you knew for</p> <p>8 all of two weeks, and you think he just</p> <p>9 would have shared everything with you?</p> <p>10 A I think I have known Ugo</p> <p>11 Colombo since August of 2013, so in --</p> <p>12 Q Four weeks, sorry.</p> <p>13 A But you are asking me the</p> <p>14 question today, and I am telling you --</p> <p>15 Q Yes, I am asking you an</p> <p>16 open-ended, which nobody is supposed to do.</p> <p>17 But I am asking you anyway.</p> <p>18 Why, why do you think Ugo</p> <p>19 Colombo would have told you that he has a</p> <p>20 piece of Oceana?</p> <p>21 A But you just said that:</p> <p>22 "Why would Ugo Colombo tell you</p> <p>23 that if he only knew you for two weeks?"</p> <p>24 And what I am saying is I have</p> <p>25 known him since September or August of</p>

46 (Pages 2227 to 2230)

<p style="text-align: right;">Page 2295</p> <p>1 Monadnock v. Glasswall - Volume VIII</p> <p>2 beginning.</p> <p>3 A Yes.</p> <p>4 Q You mentioned, I think, that,</p> <p>5 when you came in in September of 2013, they</p> <p>6 were all more or less about 75, 80 percent</p> <p>7 done, right?</p> <p>8 A In fabrication.</p> <p>9 Q Sorry. But that sort of</p> <p>10 suggested there was still 20 percent of</p> <p>11 work left on each of those fairly large</p> <p>12 projects, right?</p> <p>13 So my question to you is:</p> <p>14 In the September through --</p> <p>15 September through November time frame of</p> <p>16 2013, how many lines were devoted to a --</p> <p>17 of fabrication were devoted to non Hunters</p> <p>18 Point work?</p> <p>19 A Maybe one, one and a half. We</p> <p>20 did have half lines.</p> <p>21 Q So out of a total of how many</p> <p>22 lines, there were two --</p> <p>23 A We eventually had five; but,</p> <p>24 early on, in the October, November, going</p> <p>25 into December, we had three and were moving</p>	<p style="text-align: right;">Page 2297</p> <p>1 Monadnock v. Glasswall - Volume VIII</p> <p>2 But you are no longer with</p> <p>3 Glasswall; are you?</p> <p>4 A No, I am not.</p> <p>5 Q When did your affiliation with</p> <p>6 Glasswall end?</p> <p>7 A As an employee?</p> <p>8 Q Start there.</p> <p>9 A I am trying to get the date in</p> <p>10 my head here. February of 2015.</p> <p>11 Q Does Glasswall exist today as a</p> <p>12 operating entity?</p> <p>13 A It is -- it exists as a company</p> <p>14 today.</p> <p>15 Q Does it still own the 140,000</p> <p>16 square foot fabrication?</p> <p>17 A It does not.</p> <p>18 Q Does it employ anybody?</p> <p>19 A To tell you the truth, I don't</p> <p>20 know that.</p> <p>21 Q When did -- when all of that</p> <p>22 stop, having employees and --</p> <p>23 A The assets of the company were</p> <p>24 sold in 2015, beginning of 2015, somewhere</p> <p>25 in there.</p>
<p style="text-align: right;">Page 2296</p> <p>1 Monadnock v. Glasswall - Volume VIII</p> <p>2 to four.</p> <p>3 Q All right. Let's break that</p> <p>4 down. In September, how many lines did you</p> <p>5 have going?</p> <p>6 A Two lines on Hunters Point, one</p> <p>7 line on other projects.</p> <p>8 Q And that stayed the same in</p> <p>9 October?</p> <p>10 A It pretty much stayed the same.</p> <p>11 Q What about --</p> <p>12 A We moved to the third line for</p> <p>13 Hunters Point as we moved into the end of</p> <p>14 October, and into November.</p> <p>15 Q And how many employees would</p> <p>16 you say were devoted to the non Hunters</p> <p>17 Point work during, again, the September,</p> <p>18 November time frame?</p> <p>19 A We had nominally over 100</p> <p>20 employees in the plant. I would say there</p> <p>21 was probably 12 to 15 devoted to other</p> <p>22 projects besides Hunters Point.</p> <p>23 Q Now, I think you mentioned in</p> <p>24 your testimony that you came in; you got an</p> <p>25 equity position.</p>	<p style="text-align: right;">Page 2298</p> <p>1 Monadnock v. Glasswall - Volume VIII</p> <p>2 Q So I just want to take you back</p> <p>3 to -- you know, your counsel showed you</p> <p>4 Exhibit B in your book. Jocelyn, you want</p> <p>5 to put up his Exhibit B for a second? This</p> <p>6 was the accounts payable to Ecker, if you</p> <p>7 remember. It's in your counsel's book. If</p> <p>8 we can blow it up for you, we can see it.</p> <p>9 (There was a discussion off the</p> <p>10 record.)</p> <p>11 Q Do you have -- and I am just</p> <p>12 looking at the dates here. It doesn't show</p> <p>13 any payables -- and correct me if I'm</p> <p>14 wrong -- beyond -- beyond November 2014.</p> <p>15 Do you see that?</p> <p>16 I see the last one a couple of</p> <p>17 lines up.</p> <p>18 I don't see any payables here</p> <p>19 to Ecker in 2015; do you?</p> <p>20 A No.</p> <p>21 Q Okay. So when your counsel was</p> <p>22 talking to you about the March 2015 letter</p> <p>23 with those 30 items, at that point, you</p> <p>24 weren't paying Ecker anything; were you?</p> <p>25 A No.</p>